

ADMINISTRATIVE PROCEDURES

UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI

I. SCOPE OF ELECTRONIC FILING

A. Designation of Cases

All pending and newly filed cases and adversary proceedings in the United States Bankruptcy Court for the Northern District of Mississippi shall be assigned to the Case Management/Electronic Case Filing system (the “CM/ECF”) as of the effective date of this order. The Clerk’s Office will continue to accept paper filings, but the Court encourages all parties to use CM/ECF whenever possible.¹

From the effective date forward, pending cases will have their entire case dockets available electronically.² Further, all documents in both pending cases and new cases will be electronically entered into CM/ECF by direct electronic filing for approved Participants or by the Clerk’s Office imaging or scanning conventional filings.³

The electronic record, whether documents are filed electronically using CM/ECF or whether documents are rendered electronic by being scanned (imaged) into CM/ECF, shall constitute the official record of cases and proceedings in this Court.

B. Fees Payable to the Clerk

Prior to the electronic filing of any pleading or paper requiring a filing fee, Participants must submit to the Clerk’s Office a Credit Card Blanket Authorization Form, which is available on the Court’s web site, and receive the Clerk’s Office approval of the authorization form.

C. Privacy

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms.

a. **Social Security numbers.** If an individual’s social security number must be included in a pleading, only the last four digits of that number should be used.

b. **Names of minor children.** If the involvement of a minor child must be mentioned, only

¹For purposes of this document, paper filings will be described as “conventional” filings.

² A pending case is one that was active as of the date and time of conversion to CM/ECF.

³ An electronic filing is defined as a filing submitted either via the Internet, a CD rom, or a 3.5 inch computer disk.

the initials of that child should be used. On Schedule I of Official Bankruptcy Form 6, list relationship and age of the debtor's dependents (i.e., son, age 6).

c. **Dates of Birth.** If an individual's date of birth must be included in a pleading, only the year should be used. On Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor's dependents.

d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used. On Schedules D, E, and F of Official Bankruptcy Form 6, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rest solely with counsel and the parties. The Clerk will not review each document for compliance with this rule.

II. ELIGIBILITY, REGISTRATION, PASSWORDS

A. Eligibility and Passwords

Attorneys admitted to practice in this Court and currently in good standing, attorneys representing the United States Government, trustees, and limited registrants shall be eligible to receive a login and a password to participate in the CM/ECF system.

B. Registration

1. Anyone wishing to view documents and court dockets on the System from a location other than the Clerk's Office must have an account on the Public Access to Court Electronic Records (PACER) system. Attorneys who will be filing documents on the System must have a PACER account and a System login and password assigned by the court as described below. To establish a PACER account go to www.pacer.psc.uscourts.gov.
2. In addition to PACER registration, each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form and a Credit Card Blanket Authorization form. The forms are available on the court's website and in the Clerk's Office.
3. All signed Registration Forms and Credit Card Blanket Authorization Forms shall be returned to the U. S. Bankruptcy Court, P.O. Box 867, Aberdeen, MS 39730 or delivered to the intake section of the court at Aberdeen, MS.
4. After completion of training with the Clerk's Office, each registering Participant will be assigned a login and a password for the System. Each Participant will receive an Internet e-mail message after his/her password has been assigned. This is to insure that the Participant's Internet e-mail address has been entered correctly

in the System. The registering Participant may contact the Clerk's Office for activation of his/her live System login and password. The password information for the live System will then either be mailed to the Participant by regular, first-class mail; or, the Participant may arrange to pick it up at the Clerk's Office.

5. If an attorney allows his/her employees to access the System using the attorney's login and password, the attorney is responsible for all applicable charges and any documents filed will be deemed authorized and signed by the attorney.
6. Attorneys should not share his/her login and password with other attorneys for the purpose of having pleadings filed on the System. When a pleading is filed on the System, the login name must match the signature on the attached PDF pleading.
7. If an attorney realizes his/her password has been compromised, the attorney should notify the Clerk's Office. If the Clerk notices that an attorney's password has been compromised, the Clerk's Office will notify the attorney. In all cases, the Clerk will make necessary corrections to the System and establish a new login and password for the attorney.
8. If any of the information on the Registration changes, i.e., mailing address, e-mail address, etc., it is the attorney's responsibility to log onto the System and make the changes by accessing the "Utility" menu and selecting "Maintain Your ECF Account." Additional information is available in the ECF User Training Manual or by selecting the Help button "?" from the menu after selecting "Maintain Your ECF Account." It is not the court's responsibility to re-send or investigate returned e-mails not properly maintained by ECF users. Attorneys registered with the BNC for noticing purposes must also notify the BNC if their delivery information changes.
9. A registered Participant may withdraw from participation in CM/ECF. Further, the Court can suspend a Participant from the CM/ECF system for cause, and this suspension shall be effective upon the entry of the Court's order. Upon entry of the order, the Clerk's Office will withdraw the registered Participant from CM/ECF, eliminate the Participant's password, and delete the name of the registered Participant from any applicable electronic service list.

III. CONSEQUENCES OF ELECTRONIC FILING

A. Effect of Electronic Filing

Effecting an electronic filing via the Internet in accordance with these Administrative Procedures shall constitute entry of that filing on the docket maintained by the Clerk's Office pursuant to Rule 5003. Likewise, orders, decrees, judgments, and proceedings of the Court will be entered in accordance with these Administrative Procedures, which shall also constitute entry on the docket record maintained by the Clerk's Office pursuant to Rule 5003 and for purposes of Rule 9021.

B. Filings

1. Except for Conventional Filings, filings provided for in Part B.2., infra, and exceptional circumstances that prevent a registered Participant from effecting a filing via CM/ECF, all filings required to be filed with the Clerk's Office in connection with a case assigned to CM/ECF shall be filed as follows: (1) registered Participants shall effect all filings electronically via the Internet; (2) parties with legal representation who are not registered in CM/ECF shall effect filings electronically through submission of a CD rom or a 3.5 inch computer disk in the required PDF format provided that the content of said CD rom or 3.5 inch computer disk references a single bankruptcy case and except as noted below; and (3) parties without legal representation shall effect filings conventionally. ALL ELECTRONIC FILES SUBMITTED OVER THE INTERNET ARE LIMITED TO 2 MEGABYTES OR SMALLER. FOR ASSISTANCE IN TRANSMITTING LARGER FILES, PLEASE CONTACT THE COURT. ALL DOCUMENTS CONTAINED IN THE ELECTRONIC FILE MUST CONFORM TO THE 8 1/2 X 11 - INCH STANDARD PAPER SIZE ADOPTED BY THE JUDICIAL CONFERENCE OF THE UNITED STATES.
 - a. Electronic filings via the Internet are considered timely if filed with the Clerk's Office prior to midnight on the date set as a deadline.
 - b. All references to time contained in these Administrative Procedures are to Central Standard or Central Daylight Savings Time, whichever is in place at the time a filing is effected.
 - c. Because the system is a "real-time" system, the receipt of filing will show the actual date and time a document was filed on the system. Documents submitted electronically on the system outside of normal office hours will be deemed filed on the date and time received. For example, if a document is received at 8:30 PM on Sunday, July 4, 2004, the receipt of filing will show that date and time.
2. Conventional Filings, Exceptions to Electronic Filings
 - a. Documents to be Filed Under Seal

A motion to file a document under seal shall be filed electronically; however, the actual document to be filed under seal shall be filed conventionally. If the motion itself contains confidential information, the movant shall file and serve electronically a redacted version clearly marked as such and shall submit the unredacted version in camera. If requested by the Court, the movant shall deliver conventional paper copies of the documents proposed to be filed under seal to the presiding judge for in camera review. The order of the Court authorizing the filing of such documents under seal shall be entered electronically by the Clerk's Office or the presiding Judge.

- b. Trial Exhibits
Participants shall submit trial exhibits conventionally along with the joint pretrial order or as directed by the court.
- c. Transcripts
Participants shall file all transcripts conventionally unless otherwise directed by the Court.
- d. Documents designated or directed by a judge.

3. Filing Documents with Exhibits and Attachments Under One Docket Entry Number

All documents that form part of a pleading and that are filed simultaneously shall be electronically filed as individual documents under one docket entry. In other words, one docket entry number will include the initiating pleading as well as relevant attachments (e.g., supporting affidavits, memoranda of law, or proposed orders).

4. Creditor Lists

Creditor lists must be submitted in ASCII file format with an appropriate text extension (.txt) and shall be submitted over the Internet through the System at the time of case filing. If additional creditors need to be added post-petition, an Amended List of Creditors should be submitted with the appropriate Amended Schedule(s). The creditor list, also called a matrix, should meet the following specifications:

- a. The name and address of each creditor must be six (6) lines or fewer.
- b. Each line may contain no more than 40 characters including blank lines.
- c. Names and addresses should be left justified (no leading spaces).
- d. If attention lines are used, they should appear on the second line of the address.
- e. City, state, and ZIP code must be on the last line.
- f. All states must be two-letter abbreviations.
- g. If a nine-digit ZIP code is used, a hyphen must separate the first five digits from the last four digits.
- h. Each creditor must be separated by at least one blank line.
- i. Do not include case number, page numbers, line numbers, headers, footers, etc. in the document.

j. Neither the debtor(s)' nor the debtor(s)' attorney's name should appear on the matrix.

5. Correcting Documents Filed in Error

a. Once a document is submitted, and it becomes part of the case docket, corrections to the docket or the Electronic Filing System are made only by the Office of the Clerk or as the Court may direct.

b. A document incorrectly filed in a case may be the result of posting the wrong Portable Document Format ("PDF") file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number. **DO NOT ATTEMPT TO REFILE THE DOCUMENT!**

c. As soon as an error is discovered, contact the Clerk's Office. Be sure to have the case number and document number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error. You will be advised *if* you need to refile the document. The System will not permit you to make changes to the document(s) or docket entry filed in error once the transmission has been accepted.

6. Expedited Matters

When filing expedited matters, the filing attorney shall immediately advise the judge's courtroom deputy clerk or calendar clerk of the filing by phone or fax. The telephone and fax numbers for the courtroom deputy clerk or calendar clerk is as follows:

Courtroom Deputy Clerk
Calendar Clerk

Fax Number 662-369-2635
Telephone Number 662-369-1051

IV. ENTRY OF ORDERS

A. Proposed Orders

All proposed orders may be submitted electronically as outlined below.

1. With the exception of Consent Orders, electronically filed proposed orders shall be combined with the application or motion into one docket entry in accordance with Part III.B.3., supra.
2. The Clerk's Office will make a copy of the Participant's proposed order and forward to the judge. Once the judge signs the order, the Clerk's Office will make the appropriate entry on the CM/ECF system to docket the order.
3. Consent orders, and all others orders, including orders resulting from a hearing or other disposition by the Court, shall be submitted conventionally and bearing such signature(s) of counsel and/or parties as the Court may direct.

V. CLAIMS, ATTACHMENTS AND EXHIBITS

A. Exhibits or Attachments to Documents

Except as the presiding judge may otherwise direct, all documents should be filed electronically in Portable Document Format (“PDF”) via CM/ECF. Exhibits or attachments to documents should be submitted electronically as part of the main document if possible. If the length of an exhibit or attachment in conventional paper format exceeds twenty (20) pages, Participants shall include only excerpts of the exhibit or attachment that are *directly germane to the matter under consideration* by the Court. Excerpts must be clearly and prominently identified as such. Upon request by any party in interest or the court, the complete document containing any excerpt shall be made available to both the party making the request and the court, unless otherwise ordered by the court. Persons filing excerpts of exhibits or attachments do so without prejudice to their right to file additional excerpts or the complete exhibit or attachment with the Court at any time. Opposing parties may file additional excerpts if they believe that they are relevant.

B. Exhibits To Be Introduced Into Evidence

Exhibits offered into evidence by parties during Court hearings must be submitted in hard copy. After a final judgment has been entered and the appeal period has expired, exhibits will be returned to the filing party(ies).

C. Proofs of Claim

Claims may be filed electronically, if the claimant is a registered participant, or conventionally. Claims submitted in conventional fashion will be scanned into the System by the Court, at the discretion of the Clerk of Court. For the convenience of the filer, claims that reference attachments, including but not limited to leases, notes, and the like, may be submitted as described in A. above.

VI. DOCUMENTS TO BE FILED UNDER SEAL

A motion to seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally. The order of the Court authorizing the filing of such document(s) under seal will be entered electronically by the Office of the Clerk and a paper copy of the order shall be attached to the document(s) under seal and delivered to the Office of the Clerk.

VII. RETENTION REQUIREMENTS

Pleadings, affidavits, and other documents that must contain original signatures or that require verification pursuant to Rule 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746 shall be filed electronically. The original signed document shall be maintained by the attorney of record or the party originating the document until the case or adversary proceeding is closed and all maximum allowable times for final orders in appeals in that case or adversary proceeding have expired, and the time within which a discharge of the debtor may be revoked has passed. Upon written request, the original document must be provided to other parties or the Court for review. The pleading or other document electronically filed shall indicate a signature (e.g., /s/

Jane Doe).

VIII. SIGNATURES

1. Filing any document by using a login and password issued by the Clerk's Office shall constitute the Participant's signature for purposes of signing the document under Rule 9011 and any other applicable authority relating to signatures. The Participant's name under whose login and password the document is submitted must be displayed by an "/s/" and typed in the space where the signature would otherwise appear (e.g., /s/ Jane Doe). If the attorney is the Participant, the attorney must provide a complete mailing address, telephone number, and the name of the party the attorney represents. No person shall knowingly use or cause another person to use the password of a Participant unless such a person is duly authorized to do so by the Participant.

IX. SERVICE

1. General Rule: Except as otherwise provided in Part IX, Paragraph 2, infra, all documents required to be served shall be served in conventional paper form in the manner provided by the applicable statutes and rules.
2. Consent to Electronic Service: Whenever service is required to be made on a person who has agreed to accept electronic service, the Court's automatically generated "Notice of Electronic Filing" constitutes service. If CM/ECF service is impracticable, service may be made by hand or by any other means authorized by Rule 7005.
3. In addition to electronic service by CM/ECF, Participants shall be required to serve documents in conventional paper form in the following circumstances:
 - a. When Rules 7004, 9014, and 9016 apply;
 - b. When the Federal Rules of Bankruptcy Procedure or an order of the Court requires delivery or service upon a state or federal government entity, including the United States Attorney; or
 - c. When the Bankruptcy Code, United States Code, the Federal Rules of Bankruptcy Procedure, the Local Rules, or other federal and state statutes and authorities specify other requirement for service than those in Part IX, Paragraphs 3(a) and (b), supra.
4. At this time, the court shall continue to notice using the Bankruptcy Noticing Center (BNC).

X. NOTICE OF COURT ORDERS AND JUDGMENTS

Immediately upon the entry of an order or judgment in CM/ECF, the Clerk's office will transmit to Participants in the case, in electronic form, the Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Federal Rules of Bankruptcy Procedure 9022. The Clerk's office shall provide notice in conventional form in

accordance with the Federal Rules of Bankruptcy Procedure to a person who has not agreed to receive electronic notice and service or who has not entered into an Electronic Bankruptcy Noticing Agreement with the Court for electronic notice from the Bankruptcy Noticing Center.

XI. TECHNICAL FAILURES

1. If a Participant cannot access CM/ECF via the Internet to effect a filing during regular business hours of the Clerk's Office, the Participant shall contact the Clerk's Office to confirm that CM/ECF is not accessible, state why an immediate filing is necessary, and make suitable arrangements with the Clerk's Office for the filing to occur. After the Participant submits the filing to the Clerk's Office and when CM/ECF is accessible, a deputy clerk will electronically enter and docket the filing.
2. If a Participant cannot access CM/ECF via the Internet to effect a filing after regular business hours of the Clerk's Office, and the filing is made untimely as the result of a technological failure of CM/ECF, the participant may seek appropriate relief from the Court.

XII. PUBLIC ACCESS

A. Public Access at the Court

Electronic access to the electronic docket and documents filed in the System is available to the public at no charge at the Clerk's Office during regular business hours.

B. Internet Access

Although any person can retrieve and view documents in the System and access information from it without charge at the Clerk's Office, electronic access to the System for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records (PACER) system and, in accordance with the ruling of the Judicial Conference of the United States, a user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information. Information regarding subscribing to PACER is available at the PACER Website at www.pacer.psc.uscourts.gov and at the Clerk's Office.

C. Paper Copies and Certified Copies

Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930 and the Bankruptcy Court Miscellaneous Fee Schedule.

